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Letter dated 6 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the United Arab Emirates, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 4 March 2002 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the United Arab Emirates to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, in reference to the latter's note dated 7 February 2002, has the honour to enclose herewith the report of the Government of the United Arab Emirates on the steps taken to implement the above-mentioned resolution (see enclosure).

Enclosure

[Original: Arabic]

Report of the United Arab Emirates on the implementation of Security Council resolution 1373 (2001)

The United Arab Emirates is committed to the principles of the Charter of the United Nations, to the norms of public international law and international humanitarian law, including the Geneva conventions, and to cooperation with the United Nations and its Member States and the Counter-Terrorism Committee. It has thus condemned terrorism in all its forms and manifestations and has acceded to numerous regional and international conventions and instruments relating to human rights.

The United Arab Emirates regards terrorism as an international phenomenon that must be countered by concerted international and regional efforts. An international conference to combat terrorism must be convened under the auspices of the United Nations if international peace and security and stability are to be ensured. Account must be taken of the exalted principles endorsed by the United Nations, including the peaceful settlement of disputes and the right of peoples to exercise self-determination and resist occupation, as stipulated in all the relevant international covenants and conventions. In its commitment to these principles, the United Arab Emirates has called for a distinction to be made between terrorism and the legitimate right of peoples to exercise self-determination and resist occupation, especially in the case of the Palestinian people, in accordance with the provisions of the Charter of the United Nations, the norms of international law and the relevant United Nations resolutions.

The United Arab Emirates has established a national counter-terrorism committee to implement the relevant resolution. Its top political leadership has declared its full commitment to cooperating with the international community in combating terrorism. All State agencies concerned have taken preventive and remedial measures in accordance with the provisions of resolution 1373 (2001), each within its own jurisdiction. Prominent among such measures have been: enactment of an anti-money-laundering law; blocking of funds in suspicious accounts; exchange of information at the bilateral, regional and international levels; provision of assistance to relevant parties in connection with suspect bank accounts and financial resources; monitoring of banking transactions and transfers; prohibition of membership in terrorist groups; prevention of any activities linked to terrorism and of the transfer of weapons of any kind to terrorists wherever located; prevention of the exploitation of the territory of the United Arab Emirates by terrorists operating against other States or their interests; stricter monitoring of borders and ports of entry to and departure from the country; and meticulous monitoring of immigration procedures.

On the basis of the foregoing, the United Arab Emirates is pleased to present its comments on the specific questions posed by the Counter-Terrorism Committee.

Paragraph 1 (a): What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to the questions on 1 (b) to (d)?

The United Arab Emirates was among the first countries to include anti-money-laundering provisions in its legislation and did so in its Federal Penal Code (Law No. 3 of 1987). A Federal Anti-Money-Laundering Law was enacted in January 2002. The Central Bank has also issued circulars to all banks requiring them to establish the identity of customers, to report accounts in which there are suspicious movements such as large deposits of cash or third-party cheques, especially where there are no known commercial activities, and to monitor letters of credit issued. The Minister of Justice has also issued a decision prohibiting the collection of charitable contributions without a license, and the Central Bank has also been approached to instruct banks to open accounts for charitable associations only after consulting the Ministry and obtaining a licence to do so.

In July 1998 the Central Bank established a unit to deal with money laundering and suspicious cases, and it maintains open channels of access to all the relevant authorities in the country and elsewhere. In July 2000 the State established a national anti-money-laundering committee of all relevant agencies to assume overall responsibility for the coordination of anti-money-laundering policies in the United Arab Emirates.

Paragraph 1 (b): What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

The offences involving the provision and collection of funds for use in terrorist activities that are addressed in the Federal Penal Code (Law No. 3 of 1987) are as follows:

Article	*Text*	*Penalty*
150 (c)	Whoever knowingly engages ... in the collection of funds, provisions or munitions ... for the benefit of a group hostile to the country ...	Death
180.3	Whoever receives or obtains, directly or through an intermediary and by any means whatever, funds of any kind from a person or entity outside the State for the purpose of overthrowing or promoting the overthrow of the system of government ...	Imprisonment for not less than one month and not more than three years and a fine of not less than 100 dirhams and not more than 3,000 dirhams
188	Whoever procures weapons, equipment or provisions for a group, or collects for it funds, or provides it with accommodation or premises for the purpose of seizing land or assets owned by the State or by a group of persons or of offering resistance to the military force assigned to pursue the perpetrators of such crimes ...	Imprisonment for life or for a term of not less than three years

The United Arab Emirates is one of the States parties to the Arab Convention for the Suppression of Terrorism, which provides for the blocking and confiscation of assets and funds derived from, used in or relating to terrorist crimes. It signed the Convention on 22 April 1998, and the Convention was ratified and entered into force on 7 May 1999. The Convention has been registered with the United Nations Secretariat, and it was included in the lists of international legal instruments relating to terrorism published in United Nations documents A/54/301, A/55/179 and A/56/160.

Paragraph 1 (c): What legislation and procedures exist for freezing accounts and assets, at banks and financial institutions, of persons who commit terrorist acts?

Article 72 of the Code of Criminal Procedure (Law No. 35 of 1992) provides that a member of the Office of the Public Prosecutor may search the home of a suspect charged with committing or being an accessory to a crime and may inspect any premises and seize there any papers or weapons or any item that might have been used in or derived from the commission of a crime or that might be of assistance in revealing the true state of affairs.

Article 182 of the Federal Penal Code (Law No. 3 of 1987) states that the court may decide to confiscate cash, effects and papers that might have been used in the commission of a crime stipulated in articles 108 and 181 or that might have been found on premises used for group meetings. It may decide to confiscate any of the property of a convicted person if it is established that such property is actually a resource intended to be spent on the relevant associations, entities, organizations or branches.

Article 4.2.2 of the Anti-Money-Laundering Law (Federal Law No. 4 of 2002) states that the Central Bank, the Office of the Public Prosecutor and a competent court may order the freezing or attachment of funds suspected to be intended for use in terrorist crimes or any of the crimes addressed in the international conventions to which the State is a party.

Paragraph 1 (d): What measures exist to prohibit the activities listed in this subparagraph?

The United Arab Emirates has acted in solidarity with international efforts to combat terrorism. The Central Bank has issued circulars requesting banks and other financial institutions to search for and freeze any accounts, deposits or investments held in the names of terrorist leaders, terrorist organizations or those who have assisted terrorists.

The Central Bank has decided to lower the ceilings heretofore in effect for transfers requiring identification of the remitter by means of an official document from 200,000 dirhams to 2,000 dirhams for bureaux de change and from 200,000 dirhams to 40,000 dirhams for banks.

The Central Bank has issued a circular to banks, bureaux de change, finance companies and other financial institutions operating in the State concerning customer identification, reporting requirements for suspicious financial transactions and the imposition of a complete system of additional obligations. Specific procedures have also been introduced for natural persons and corporations wishing to establish commercial activities, and statements must be taken from owners of

foreign companies and establishments seeking to establish joint stock companies or branches.

The Central Bank has issued a number of circulars covering the banking and financial aspects of the Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF).

Paragraph 2 (a): What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists?

Federal Penal Code (Law No. 3 of 1987):

Article	*Text*	*Penalty*
149	Any citizen who joins the armed force of a group hostile to the State ...	Death
150 (c)	Whoever assembles or arranges the assembly of personnel, funds, provisions or munitions for the benefit of a group hostile to the State ...	Death
171	Whoever assists an offender to commit any of the crimes prejudicial to the State's external security stipulated in articles 149 and 150 (c) of the Federal Penal Code (Law No. 3 of 1987) or who provides him with facilities, conceals items used in the commission of the crime or destroys or misappropriates a document that may facilitate the detection of the crime	Death
172	Whoever colludes in, incites to collusion in or advocates the commission of any of the crimes prejudicial to the State's external security stipulated in articles 149 and 150 (c) of the Federal Penal Code (Law No. 3 of 1987) ...	From imprisonment for a term of not less than one month to imprisonment for a term of not more than 15 years
183.1	Whoever seizes command of a military or naval unit, a warship, a warplane, a military post or a port or a town without authorization or without a legitimate reason ...	Life imprisonment
185	Whoever incites soldiers to mutiny or the avoidance of any duty ...	Imprisonment for a term of not more than 10 years
186	Whoever forms or joins a group in order to attack a class of inhabitants or offer armed resistance to public authority personnel so as to prevent the application of the laws ...	From imprisonment for a term to death

Article	*Text*	*Penalty*
187	Whoever assumes leadership of an armed band or directs its movements for the purpose of usurping or seizing land or property belonging to the State or to a group of people or of offering resistance to a military force assigned to pursue the perpetrators of such crimes ...	From life imprisonment to death
191	Incitement to commit the crimes prejudicial to the State's internal security stipulated in articles 183.1, 186 and 187 of the Federal Penal Code (Law No. 3 of 1987) ...	Imprisonment for a term of not more than five years
192	Collusion in and incitement to collusion in the commission of the crimes prejudicial to the State's internal security that are stipulated in articles 183.1, 186 and 187 of the Federal Penal Code (Law No. 3 of 1987) ...	From imprisonment for five years to imprisonment for a term of not more than 15 years
193.1	Whoever manufactures or imports explosives or any precursor substance and the devices, machines and tools used in their manufacture or for their detonation without a licence to do so ...	From life imprisonment to imprisonment for a term of not less than three years
193.2	Whoever owns or acquires explosives or any precursor substance and the devices, machines and tools used in their manufacture or for their detonation without a licence to do so ...	Imprisonment for a term of not less than three years and not more than 15 years

Firearms, Ammunition and Explosives Law (Law No. 11 of 1976):

Article	*Text*	*Penalty*
36	Whoever possesses, acquires or carries without a licence a firearm or an explosive substance ...	Imprisonment for a term of not less than one week and not more than three years and a fine of not less than 150 dirhams and not more than 30,000 dirhams, together with confiscation of the weapon or explosives seized
37	Whoever trades without a licence in firearms, ammunition and explosives ...	Imprisonment for a term of not less than six months and not more than 10 years and a fine of not less than 5,000 dirhams and not more than 100,000 dirhams, together with confiscation of the weapon or explosives seized

Article	*Text*	*Penalty*
38	A licensed trader may not sell or deliver to a third party any article of trade unless the latter has the appropriate licence issued by the licensing authority showing the type and quantity permitted.	Imprisonment for a term of at most three months and a fine of not less than 500 dirhams with possible cancellation/withdrawal of licence

Paragraph 2 (b): What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early-warning mechanisms exist to allow exchange of information with other States?

A sophisticated database on extremist and terrorist elements in the country and elsewhere, on the groups, entities and cells that support them and on their goals and plans;

Active cooperation between the agencies concerned and citizens, and introduction of appropriate assurances and incentives to encourage citizens to report any activities by extremist or terrorist elements or groups, to provide information helpful in their detection and to cooperate in the arrest of perpetrators;

Support and encouragement of security studies and of research and study centres; encouragement of the study and analysis of terrorism in order to identify its causes, methods and consequences as well as modalities for coping with it; and study and analysis of acts of terrorism as they occur in order to identify shortcomings in preparedness or response and achieve constant progress in this field;

Imposition of stricter penalties for perpetrators of crimes of extremism and terrorism;

Alignment of national legislation with the international conventions relating to terrorism;

Closer monitoring of dealers in connection with the importation, exportation, storage, transport, use, circulation, possession and trafficking of arms, ammunition and explosives and other dangerous materials;

Increased security and protection for all means of transportation, ground, sea and air, and stricter security measures at seaports and airports and in public gathering places;

Greater attention by the State information media to advocacy against the allure of terrorist groups and to explaining their dangerous character and perverse objectives;

Establishment by the Ministry of the Interior of a watch list containing the names of persons implicated in acts of terrorism to be circulated to airports, seaports and border crossings.

The Ministry of the Interior:

(a) Exchanges forensic information, including information on terrorist crimes, with the national central bureaux of ICPO-Interpol in its member countries and with its General Secretariat and cooperates with them in this field;

(b) Exchanges forensic information with liaison sections in the Arab countries and with the Arab criminal police bureau and cooperates with them in this field;

(c) Ensures that those who finance, direct, support or commit terrorist acts or provide safe haven for terrorists do not themselves find safe haven.

Paragraph 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph?

Articles 1, 2 and 3 of Federal Law No. 6 of 1973, as amended by Law No. 13 of 1996 concerning the admission and residence of aliens, read as follows:

"Article 1: An alien is whoever does not enjoy citizenship of the United Arab Emirates.

"Article 2: No alien may enter the State, by whatever route, without a valid passport or travel document issued by the competent authority of another State and a valid visa, entry permit or residence permit from the competent authorities of the United Arab Emirates.

"Article 3: An alien may enter or leave the State only at the places designated by decision of the Minister of the Interior and with the entry in his passport of an official endorsement by the competent official."

Article 23 of the Law provides for the deportation of an alien in accordance with a court order, or if he has no visible means of support, or should the public interest, security or public morals so require. Article 31 provides for the deportation of an alien if he has entered the State in a manner contrary to the law or has failed to comply with an order for his expulsion. Article 121 of the Federal Penal Code (Law No. 3 of 1987) provides for the deportation of an alien convicted of a felony punishable by deprivation of liberty and allows the deportation of an alien for a misdemeanour.

The following measures have been taken:

Creation of an Organized Crime Section in the Criminal Investigation Department to combat organized crime in all its forms, given the possibility of linkages between terrorist organizations and criminal groups, which operates in cooperation with other countries at the regional, inter-Arab and international levels in combating such crime in accordance with regulations and through the approved channels;

Creation of a Monitoring Section in the Criminal Investigation Department to identify money-laundering methods, given that money-laundering activities are among the most important means of financing terrorism, which acts in coordination with the authorities concerned in exposing money-laundering activities, takes the necessary action in their regard, monitors compliance with the laws, regulations and statutes governing the transfer of funds and

cooperates with the relevant authorities of the United Arab Emirates and other States in arresting those who violate the laws, regulations and international conventions in this field.

Paragraph 2 (d): What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens?

Article 166 of the Federal Penal Code (Law No. 3 of 1987) provides for the punishment of whoever, without the permission of the Government, engages in the recruitment of personnel or in any other hostile act against a foreign State that may place the country in danger of war or of the severance of political relations and imposes for this a penalty of imprisonment for a term of not more than 10 years.

The Minister of the Interior has issued a decree, No. 496 of 1996, requiring the Organized Crime Section to act in coordination and cooperation with other States at the regional, inter-Arab and international levels in combating organized crime.

The Arab Convention for the Suppression of Terrorism prohibits the use of the territory of a State as a base for the planning or commission of terrorist crimes.

Paragraph 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

Actions regarded as acts of terrorism have been criminalized and more severe penalties for them have been introduced in the Federal Penal Code (Law No. 3 of 1987).

A special committee has been formed in the Ministry of Justice, Islamic Affairs and Religious Endowments to review the criminal laws and consider bringing them into line with the new international developments in the context of combating the serious criminal offences covered by the notion of terrorism.

Paragraph 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

All the procedures and mechanisms in place to assist the contracting parties to the Arab Convention for the Suppression of Terrorism in investigations and judicial proceedings relating to terrorist crimes are set forth in article 13 and subsequent articles of the Convention.

Information on persons being sought and on any crimes in the United Arab Emirates or in neighbouring countries is exchanged through the diplomatic channel and liaison offices.

Paragraph 2 (g): How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

Units have been formed in the armed forces to guard the borders and the coast, and controls at land and maritime boundaries have been stepped up in order to prevent the entry of suspicious persons.

Federal Law No. 17 of 1972, concerning nationality and passports, and Federal Law No. 3 of 1978 set forth the rules governing the issuance of official passports and the admission and departure of persons, whether citizens or aliens, as well as the penalties to which those who forge or falsify these important documents are subject.

Periodic training courses are offered by the Ministry of the Interior for staff at points of entry and departure that equip them with the technical means of detecting the forgery and falsification of passports and travel documents.

Those implicated in forgery or falsification activities are subject to penalties under the Nationality and Passports Law and the Admission and Residence of Aliens Law.

A new high-tech passport is to be issued to citizens of the United Arab Emirates in order to prevent forgery and alteration, and it is among the most sophisticated passports in the world.

Paragraph 3 (a): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Stricter internal control measures to identify persons oriented and inclined towards extremist and terrorist elements overseas, and adoption of all the security measures necessary to curb their activities and prevent them from engaging in such activities at home and abroad;

Strengthening of the control measures necessary to secure the borders and points of entry by land, sea and air so as to prevent the infiltration of any extremist or terrorist elements;

Easing of formalities for the exchange of information, on an urgent basis and in a confidential and secure manner, among the relevant security agencies within the country;

More frequent periodic meetings and encounters among security agencies for the exchange of views and new information and the periodic reassessment of the situation in order to prevent terrorist acts;

Issuance of circulars on forged or falsified travel documents coming from overseas and notification to that effect to the embassies concerned in the United Arab Emirates;

Improved and stricter procedures for the reporting of lost passports and for thorough investigations in that regard;

Circulation to other countries of samples of the United Arab Emirates passports in use for familiarization with their high-quality security features and in order to prevent the use of the conventional passports.

Paragraph 3 (b): What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Action against organized crime in all its forms by the Organized Crime Section of the Criminal Investigation Department, given the possibility of linkages between terrorist organizations and criminal groups, and cooperation with other States at the regional, inter-Arab and international levels in combating such crime in accordance with regulations and through the approved channels;

Provision of legal assistance to requesting States in connection with terrorist acts through official channels and liaison offices;

Ready agreement by the United Arab Emirates to requests for information concerning crimes received from States through the ICPO-Interpol liaison division;

Creation of a Monitoring Section in the Criminal Investigation Department to identify money-laundering methods, given that money-laundering activities are among the most important means of financing terrorism, which acts in coordination with the authorities concerned in exposing money-laundering activities, takes the necessary action in their regard, monitors compliance with the laws, regulations and statutes governing the transfer of funds and cooperates with the relevant authorities of the United Arab Emirates and other States in arresting those who violate the laws, regulations and international conventions in this field;

Active cooperation between the agencies concerned and citizens, and introduction of appropriate assurances and incentives to encourage citizens to report any activities by extremist or terrorist elements or groups, to provide information helpful in their detection and to cooperate in the arrest of perpetrators;

Support and encouragement of security studies and of research and study centres; encouragement of the study and analysis of terrorism in order to identify its causes, methods and consequences as well as modalities for coping with it; and study and analysis of acts of terrorism as they occur in order to identify shortcomings in preparedness or response and achieve constant progress in this field.

Paragraph 3 (c): What steps have been taken to cooperate in the areas indicated in this subparagraph?

The Government of the United Arab Emirates has declared its commitment to international cooperation in the counter-terrorism field. There is ongoing cooperation with a number of countries, and the United Arab Emirates has concluded a number of memoranda of understanding on counter-terrorism with some of them. Several draft bilateral agreements with other countries are being studied with a view to their eventual signature. The country has also ratified the Arab Convention for the Suppression of Terrorism, which establishes a mechanism for compliance in the security and judicial fields and for the monitoring and assessment of the effectiveness of the Convention by the Arab criminal police bureau of the secretariat of the Arab Council of Interior Ministers. The United Arab Emirates has, in cooperation with some States, extradited persons proved to have been implicated in terrorist activities.

Paragraph 3 (d): What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this paragraph?

The United Arab Emirates has formed a national committee of relevant State authorities to study the question of accession to the conventions relating to terrorism, namely:

The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

The 1980 Convention on the Physical Protection of Nuclear Material;

The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

The 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

The 1997 International Convention for the Suppression of Terrorist Bombings;

The 1999 International Convention for the Suppression of the Financing of Terrorism;

The 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism.

Paragraph 3 (e): Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The United Arab Emirates has acceded to the following conventions, which have become part of its domestic law, have been published in the Official Gazette and have been referred to the national courts for implementation:

1. The 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft;

2. The 1970 Convention for the Suppression of Unlawful Seizure of Aircraft;

3. The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

4. The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

5. The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.

Paragraph 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

The United Arab Emirates supports the application of the provisions of the international conventions relating to the granting of political asylum. Refugees are subject to the general laws of the country, may not engage in any political activity while present in the State and may leave their place of residence only subject to certain controls. In the recent past, refugee status has not been granted to any person in the State, but the Admission and Residence of Aliens Law and its implementing regulations have been applied after ascertaining that residents are not engaging in any terrorist activities or in hostile actions against any foreign State.

Paragraph 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The law forbids any person to engage in political activity of any kind whatever that may involve terrorist acts either within the country or directed against a foreign State, and the State has elaborated preventive measures to ensure compliance with the law.

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Letter dated 6 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Yemen, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 4 March 2002 from the Permanent Representative of Yemen to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the Republic of Yemen to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to enclose herewith the report by the Government of Yemen concerning the steps undertaken to implement the resolution (see enclosure).

Enclosure

[Original: Arabic]

Report submitted by Yemen to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Since the concept of terrorism has not yet been defined and inasmuch as Security Council resolution 1373 (2001) of 28 September 2001 did not incorporate a definition of the concept of terrorism, the preparation of this report is based on the commitments binding upon the Republic of Yemen under the 1998 Arab Convention on the Suppression of Terrorism, which draws a distinction between terrorism and legitimate struggle against foreign occupation, the international conventions relating to the combating of terrorism that have been ratified by the Republic of Yemen, and Security Council resolution 1333 (2000).

Question 1 (a)

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

Response to question 1 (a)

At its meeting of 2 January 2002, the Council of Ministers issued instructions to the Deputy Prime Minister, the Minister of Finance and the Governor of the Central Bank regarding the necessity of taking all possible measures relating to financial transactions that might be linked to the financing of terrorism and, accordingly, of monitoring and increased oversight of banks operating in Yemen.

Question 1 (b)

What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Response to question 1 (b)

Act No. 1 of 2001 regulates the establishment and activities of domestic associations and institutions. It imposes government monitoring over their establishment, resources and activities, as well as contributions, gifts and aid received by them. These require prior approval following verification of the legal source. Act No. 1 of 2001 concerning domestic associations and institutions lays down the penalties that apply in the event of contravention of its provisions.

Question 1 (c)

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Response to question 1 (c)

The Banking Act gives the Central Bank the right to freeze deposits in private banks and financial institutions if they act in any way dishonestly or in contravention of the laws in force. The Council of Ministers recently reaffirmed and strengthened these provisions and made it incumbent on the Ministry of Finance and the Central Bank to implement them.

Question 1 (d)

What measures exist to prohibit the activities listed in this subparagraph?

Response to question 1 (d)

Act No. 1 of 2001 concerning domestic associations and institutions lays down severe penalties in cases where such bodies contravene the terms and provisions of this Act.

Act No. 12 of 1994 concerning the Criminal and Penal Code imposes severe penalties on domestic associations and institutions if they fail to operate in accordance with the purposes and functions for which they were established or if their resources are exploited for activities contrary to the laws in force.

Question 2 (a)

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Response to question 2 (a)

Article 36 of the Constitution of the Republic of Yemen provides as follows: "The State is the authority that establishes the armed forces, the police, the security forces and any other forces. Such forces belong to the people as a whole, and no body, individual, group, organization or political party may establish forces or military or paramilitary formations for any purpose and under any name whatsoever. The Ministry of Defence is the body legally authorized to recruit individuals".

Question 2 (b)

What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

Response to question 2 (b)

The Republic of Yemen has long accorded particular attention to the combating of terrorism. It has signed and ratified nine international conventions relating to terrorism, and the Government has approved three other international conventions and is in the process of completing the relevant constitutional procedures. It has also signed and ratified bilateral security agreements with Saudi Arabia, Egypt, Djibouti and Tunisia and has ratified the Arab Convention on the

Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism.

Yemen is striving with all its available means and capacity to suppress any terrorist activities or acts by establishing a special police force for this purpose, providing it with the resources available and supplying airports and seaports with automated monitoring to assist in the detection of such acts.

Question 2 (c)

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Response to question 2 (c)

Article 3 of Act No. 47 of 1991 concerning entry and sojourn of aliens, the Decree for the implementation of which was issued as No. 4 of 1994, states that no persons may enter except with prior permission and provided that they are not included in the list of prohibited persons and that non-Yemenis are not allowed entry into Yemeni territory without having first obtained a visa in their country of origin. The Act states further that Yemen shall not provide a safe haven for terrorists or for any person who commits, finances or supports terrorist acts.

Question 2 (d)

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Response to question 2 (d)

Act No. 24 of 1998 was promulgated concerning the combating of the offences of kidnapping and armed interception. Yemen has also ratified and acceded to a number of bilateral and international security instruments with a number of States that prohibit the use of the territory of any party against another party or against the citizens of that State.

Question 2 (e)

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Response to question 2 (e)

This question is partly answered in the reply to question 2 (d). On the basis of Act No. 24 of 1998, a number of perpetrators of terrorist acts have been sentenced and the competent courts have handed down sentences of death or imprisonment.

Question 2 (f)

What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Response to question 2 (f)

A number of regional, international and bilateral instruments have been concluded that lay down the procedures and mechanisms afforded by Yemen to States parties.

Question 2 (g)

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

Response to question 2 (g)

The Immigration and Passports Department, an agency of the Ministry of the Interior, in cooperation with the other security services coming under the Ministry of the Interior and with the other security agencies, monitors the land, air and sea border access points, and their procedures prevent any movement of terrorists or terrorist groups from or to Yemeni territory. The Ministry of the Interior is currently adopting measures for the implementation of the decision of the National Defence Council to establish a special border force. It has also taken measures to prohibit the forgery or falsification of identification papers and travel documents.

Question 3 (a)

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Response to question 3 (a)

The international, regional and bilateral instruments to which our country is a party — the Arab Convention on the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism and bilateral agreements — provide for the exchange of information in this field.

Question 3 (b)

What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Response to question 3 (b)

Please refer to the response to question 3 (a).

Question 3 (c)

What steps have been taken to cooperate in the areas indicated in this subparagraph?

Response to question 3 (c)

The international, regional and bilateral instruments provide for the exchange of information within the framework of our country's obligations thereunder. The competent authorities engage in the exchange of information with the countries with which bilateral agreements on this subject have been signed.

Question 3 (d)

What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to this subparagraph?

Response to question 3 (d)

Our country has ratified the following nine international instruments:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963), ratified on 25 August 1986;

2. Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970), ratified on 15 March 1983;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971), ratified on 19 May 1998;

4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 24 February 1988), ratified on 20 May 2000;

5. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973), ratified on 21 December 1986;

6. International Convention against the Taking of Hostages (New York, 17 December 1979), ratified on 20 May 2000;

7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988), ratified on 20 May 2000;

8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988), ratified on 20 May 2000;

9. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997), ratified on 4 December 2000.

Furthermore, at the thirty-ninth ordinary session of the Council of Ministers on 2 October 2001, the Government of the Republic of Yemen approved accession to three other international conventions relating to terrorism, by the following decrees:

- Decree No. 281 approving accession to the International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999);
- Decree No. 282 approving accession to the International Convention n the Physical Protection of Nuclear Material (New York and Vienna, 3 March 1980);

- Decree No. 283 approving accession to the International Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991).

The Council of Ministers also approved, by Decree No. 284 of 2001, the text of Security Council resolution 1373 (2001).

Question 3 (e)

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Response to question 3 (e)

The Republic of Yemen is committed to implementing the provisions of the instruments to which it is a party.

Question 3 (f)

What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Response to question 3 (f)

The issue of refugees is dealt with in Yemen through cooperation between the Ministry of the Interior and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the basis of each case and the criteria established by UNHCR for the granting of refugee status under the 1951 Convention and the 1967 Protocol.

Question 3 (g)

What procedures are in place to prevent the abuse of refugee status by terrorists?

Response to question 3 (g)

Republic of Yemen grants the right of asylum to persons who are eligible for it under the 1951 Geneva Convention and the 1967 Protocol.

Yemen has also concluded bilateral security agreements providing for the refusal of the right of asylum to persons who engage in terrorist activities.